

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, claim 5 has been cancelled without prejudice, and claims 1, 7-10, 12, 13, 18, 19, 21, 24, 25, and 28 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-4, 6-20, and 24-28 are pending and under consideration. Reconsideration is respectfully requested.

**REJECTION UNDER 35 U.S.C. §102**

In the Office Action, at page 2, claims 1-3, 5-8, 16, and 21-23 were rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent Application Publication No. 2004/006917 by Liu, et al. This rejection is traversed and reconsideration is requested.

The Office Action cites page 6, paragraph 54 of Liu, et al. to teach "movement of the heater block assembly 120 relative to the substrate, to vary the distance between the two elements, as claimed." The Office Action also contends that "use of gas is denoted and variation of the gap between the heater assembly and the substrate would inherently vary gas flow, as claimed."

Independent claim 1, however, has been amended to incorporate the features previously found in dependent claim 5, and now recites "a housing which houses the actuator and the heater block and which includes an interface to hold the device under test, wherein the housing is connectable to a handler for use in automated testing equipment." Liu, et al. fails to teach or suggest this feature. Accordingly, Applicant respectfully submits that independent claim 1, and claims 2-4 and 6, which depend directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

Independent claim 7 is directed to a temperature unit to control a temperature of a device under test using a fluid and has been amended to recite, in relevant part, "a block disposed opposite the device under test and which defines a passageway therebetween and through which the fluid passes over the device under test at a gap flow rate" and "an actuator which moves the block so as to adjust the gap and vary the gap flow rate of the fluid flowing over the device under test so as to adjust the temperature of the device under test." Support for this amendment can be found in the originally filed Specification, for example, at least in Fig. 4. Independent claim 21 has similarly been amended to recite "adjusting the actuator to move the heater block to define a passageway above the device under test according to the determined actuator setting, through which a fluid passes over the device under test."

Applicant respectfully disagrees with the Office Action's broad contention that "use of gas is denoted and variation of the gap between the heater assembly and the substrate would inherently vary gas flow, as claimed." Applicant respectfully disagrees and refers the Examiner to Liu, et al. at page 6, paragraph [0050], which teaches that a "thermally transparent plate 115 generally separates the heater chamber 105 from the process chamber 110" and "a seal mechanism 172 is operable to prevent any gas exchange between the heater chamber 105 and the process chamber 110." Thus, according to the teachings of Liu, et al., varying the position of the heater assembly with respect to the substrate will alter temperature at the substrate. The heater assembly, however, does not sit opposite the substrate and define a passageway therebetween through which fluid passes over the substrate, because the heater chamber and the process chamber are separate chambers. Thus, moving the heater assembly according to the teachings of Liu does not move the heater assembly or the thermal shield 190 "so as to adjust the passageway and vary the gap flow rate of the fluid flowing over the device under test so as to adjust the temperature of the device under test," as recited in amended independent claim 7, or "adjusting the actuator to move the heater block to define a passageway above the device under test according to the determined actuator setting, through which a fluid passes over the device under test," as recited in amended independent claim 21.

Regarding the "use of gas" denoted by Liu, et al., the Examiner is referred to page 6, paragraph [0051], which teaches only that specific gases are pumped into the process chamber, which is separate from the heater chamber, and these gases are maintained at specific pressures.

For at least these reasons, Applicant respectfully submits that Liu, et al. fails to teach all of the features of amended independent claims 7 and 21, and those claims depending directly or indirectly therefrom. Accordingly, Applicant respectfully submits that amended independent claims 7 and 21, and those claims depending directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

### **REJECTION UNDER 35 U.S.C. §103**

In the Office Action at pages 2-3, claim 4 was rejected under 35 U.S.C. §103 as being unpatentable over Liu, et al. in view of U.S. Patent Application Publication No. 2001/0019899 by Rolfson, et al. The rejection is traversed and reconsideration is requested.

Rolfson, et al. is relied upon only to teach the screw turntable of dependent claim 4, and fails to cure the deficiencies of Liu, et al. noted with respect to amended independent claim 1 above. Thus, Liu, et al. and Rolfson, et al., whether taken alone or in combination, fail to teach or suggest all of the features of dependent claim 4. Accordingly, Applicant respectfully submits that claim 4 patentably distinguishes over the prior art for at least the same reasons as amended independent claim 1 and, thus, is in condition for allowance.

In the Office Action at page 3, claims 9-15, 17-20, and 24-28 were rejected under 35 U.S.C. §103 as being unpatentable over Liu, et al. in view of U.S. Patent No. 6,893,505 to Peace. This rejection is traversed and reconsideration is requested.

Claims 9-15 and 17-20 depend, directly or indirectly, from amended independent claim 7. Peace is relied upon only to teach the use of valves and fails to cure the deficiencies of Liu, et al. noted with respect to amended independent claim 7 above. Thus, Liu, et al. and Peace, whether taken alone or in combination, fail to teach or suggest all of the features of dependent claims 9-15 and 17-20. Accordingly, Applicant respectfully submits that claims 9-15 and 17-20 patentably distinguish over the prior art for at least the same reasons as amended independent claim 7 and, thus, are in condition for allowance.

Independent claim 24 has been amended in a manner similar to that of independent claims 7 and 21 and recites, in relevant part, "adjusting the actuator to move a block to form a passageway above the device under test according to the determined actuator setting so as to vary the initial flow rate to achieve a gap flow rate of the fluid flowing across the device under test which achieves the required temperature." As discussed with respect to amended independent claims 7 and 21, Liu, et al. fails to teach or suggest the formation of this adjustable

passageway. Peace is relied upon only to teach the use of valves, and it fails to cure the deficiencies of Liu, et al. Thus, Liu, et al. and Peace, whether taken alone or in combination, fail to teach or suggest all of the features of amended independent claim 24 and claims 25-28, which depend directly or indirectly therefrom. Accordingly, applicant respectfully submits that claims 24-28 patentably distinguish over the prior art and are in condition for allowance.

## CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

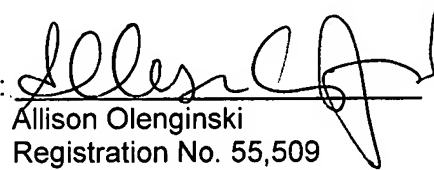
If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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